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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/559,369	12/06/2005	Wolfgang Ens	2003P07168WOUS	3633

22116 7590 10/17/2007
SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

EXAMINER

SHABMAN, MARK A

ART UNIT	PAPER NUMBER
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4131

MAIL DATE	DELIVERY MODE
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10/17/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/559,369	ENS ET AL.	
	Examiner	Art Unit	
	Mark Shabman	4131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5 and 6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5 and 6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/06/05, 03/09/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 5-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Russell US Patent 6,490,929 B1 (hereinafter referred to as Russell).

Regarding **claim 5**, Russell discloses a vibration dosimeter for monitoring a vibration value associated with equipment. Figure 4 shows an embodiment of the disclosed invention, which uses a piezo electric kinetic power source. This embodiment is further disclosed in column 3 lines 22-40. Russell discloses a piezo electric generator 40 which converts the mechanical energy of the plant when under test to electrical energy which reads on “a piezoelectric measuring element for generating an electric measurement signal.” This signal is split and sent to a power conversion & control circuit 41 and a vibration detector 42. Russell states in column 3 line 28-29 that the output signal is rectified, filtered and regulated by circuit 41. Since the electronic measurement signal going into the circuit 41 is filtered and the electronic measurement signal going into the vibration detector is not, the two signals have different frequencies. The electronic measurement signal which is split, along with the circuit 41 thus read on “a frequency separating filter for separating the measurement signal.” The “evaluation

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signal" then enters the vibration detector 42, while the "supply signal" has been filtered by circuit 41, both having a different frequency range as previously discussed.

The electronic circuit formed by circuit 41, vibration detector 42, system controller 43, data encoder 44 and low power, low frequency transmitter circuit 45 reads on the "electronic circuit operatively connected to the piezoelectric measuring element, the electronic circuit adapted to convert the electric measurement signal to a form suitable for transmission to an evaluation device located outside the housing", as the signals entering the system controller are encoded and transmitted out of the unit by elements 44 and 45 respectively.

Russell describes the system as being roughly the size and shape of a wristwatch and could be worn similarly, thus a "housing" would exist to contain the elements seen in figure 4.

Regarding **claim 6**, Russell describes in column 3 lines 28-30 that the signal generated by the piezo electric generator upon entering the power conversion and control circuit is rectified, filtered and regulated. The signal generated reads on the "supply signal" as claimed, and the processing of said signal reads on the "rectifying device for rectifying and smoothing the supply signal" as a filter is used to smooth a signal.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Shabman whose telephone number is (571) 270-3263. The examiner can normally be reached on M-F 7:30am - 5:00pm, EST (Alternating Fridays Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reached on (571) 272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


BRIAN PENDLETON
SUPERVISORY PATENT EXAMINER

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